

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: C.R. BARD, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2187

Susan Larson v. Covidien plc, et al.

2:13-cv-10833

MEMORANDUM OPINION AND ORDER

Pending is Defendants' Motion to Dismiss, filed on August 20, 2019, by the remaining defendants in this case: Covidien plc, Covidien LLC, Covidien, Inc., and Sofradim Corp. [ECF No. 22]. These defendants cite to plaintiff's failure to timely serve a Plaintiff Fact Sheet ("PFS") and expert disclosure in violation of the court's Pretrial Orders. Plaintiff has not responded to the motion.

The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that this case should be dismissed without prejudice for failure to provide a PFS and expert disclosures in compliance with the court's previous orders.

Therefore, the court **ORDERS** that Defendants' Motion to Dismiss [ECF No. 22] is **GRANTED in part** to the extent these defendants seek dismissal and **DENIED insofar as these defendants seek dismissal with prejudice**. The court **ORDERS** that the case is dismissed without prejudice and stricken from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this order to counsel of record.

ENTER: September 12, 2019


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE